REMARKS

<u>Claim Rejections – 35 USC § 101</u>

Claims 2 and 10 have been amended to recite "A software agent stored on a computer-readable medium". Applicants therefore submit that the claimed invention in Claims 2 and 10 relate to statutory subject matter. Applicants submit that Claims 19, 20, 25 and 26 are also now directed towards statutory subject matter by virtue of their dependencies.

<u>Claim Rejections – 35 USC § 103</u>

The independent claims have been amended to clarify that the mapping is for converting respective qualitative attributes for a part of a bid into numerical values representing the qualitative attributes and a weighting factor for each part of a bid. The Examiner has rejected Claim 2 under 35 U.S.C. §103 as being unpatentable over Ojha in view of Solomon. Applicants respectfully disagree and submit that neither Ojha nor Solomon describe or suggest the features of a negotiation profile including "a mapping for converting qualitative attributes for a part of a bid into numerical values" and a negotiation engine "adapted to compute a single value for a bid by adjusting the numerical value using the weighting factor and summing the adjusted values, the single numerical value being used to determine whether to accept the bid or not".

On page 5 of the Office Action the Examiner accepts that Ojha does not disclose these features and cites Solomon as disclosing these features.

Solomon is concerned with simulating human merchants which have "a unique 'personality' which is tied to the type of goods sold by that merchant" (column 1 lines 57 to 58). Their user "selects dialogue designed to get the merchant into the best possible 'mood' state in an effort to get the merchant to accept the user's offer" (column 1 lines 64 to 67). The system in Solomon describes that a merchant's mood may be calculated, for example using a customer's response. The new emotional state of the merchant determines the merchant's response to the customer's counter-offer (see, for example, Claim 4, first paragraph).

8

For example, as discussed in relation to Figure 4 of Solomon, a merchant whose state is 'sad' receives a bid from a customer with an 'apologetic' stance. The intersection of these states yields a factor value of 353.812 from the matrix. When this vector is applied to the emotional model, it indicates a general transition towards the state of 'encouraged' (column 4 lines 50 to 55). No other reference is made in Solomon to generating a numerical value.

Applicants submit that one skilled in the art, on reading Solomon, would understand that any qualitative attributes are part of the bid and may be used to generate a vector using a matrix such as those shown in Figure 4. The vector value reflects a change in the emotional state of the merchant. They would not learn to convert respective qualitative attributes for a part of a bid into numerical values representing the qualitative attributes and a weighting factor for each part of a bid.

Solomon also does not disclose computing "a single value for a bid by adjusting the numerical value using the weighting factor and summing the adjusting values, the single numerical value being used to determine whether to accept the bid or not" (emphasis added) as recited in Claim 2.

As discussed above, Solomon does not disclose how the merchant responds to a bid or counter-bid, merely that this response may depend upon a number of factors including the emotional state of the merchant. Nowhere does Solomon describe or even suggest calculating a single numerical value to determine whether to accept the bid or not.

Rather, Applicants submit that one skilled in the art on reading Ojha and Solomon in combination would surmise that the business rules described in Ojha may be used in order to determine whether the bid would be accepted or not, the rules being determined by the emotional state of the merchant. Thus, there is no motivation to calculate a single value as recited in Claim 2.

In view of the above, Applicants submit that Ojha in combination with Solomon does not disclose or describe all the features of Claim 2 and therefore Claim 2 would not have been obvious in view of Ojha in combination with Solomon.
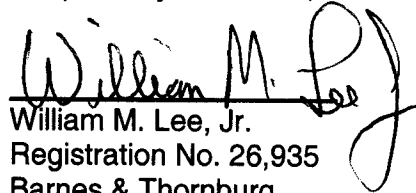
Claims 3, 5, 10, 12, 27 and 28 all recite the features of "converting qualitative attributes for a part of the bid into numerical values" and computing "a single value for a bid by adjusting the numerical value used in the weighting factor and summing the adjusted values, the single numerical value being used to determine whether to accept the bid or not". Applicants therefore submit that, for at least the reasons given above, Claims 3, 5, 10, 12, 27 and 28 would not have been obvious by virtue of the combination of Ojha and Solomon.

Applicants further submit that Claims 8, 9, 13, 15 to 26 would not have been obvious at least by virtue of their dependencies.

Given the above, it is submitted that this application is in condition for allowance, and further and favorable reconsideration is urged.

November 21, 2006

Respectfully submitted,

William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)